

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

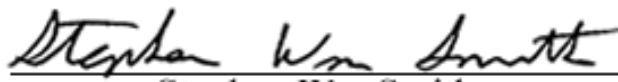
LILLIAN DIANA WARD,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO: H-06-1055
	§	
GINNY VAN BUREN,	§	
WARDEN FMC--CARSWELL,	§	
Respondent.	§	

MEMORANDUM AND RECOMMENDATION

Petitioner filed this case attacking the validity of her sentence imposed in the United States District Court for the Western District of Texas. Petitioner contends that she was wrongfully given a 2-point sentencing enhancement for possessing guns. Petitioner does not challenge the execution of her sentence. A challenge “ directed toward the sentence itself [is] cognizable only under 28 U.S.C. § 2255.” *United States v. Gabor*, 905 F.2d 76, 78 (5th Cir. 1990). Claims brought pursuant to 28 U.S.C. § 2255 must be brought in the court that imposed the sentence. The court therefore recommends that this case be transferred to the United States District Court for the Western District of Texas.

The parties have ten days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* Rule 8(b) of the Rules Governing Section 2254 Cases; 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72.

Signed at Houston, Texas on April 24, 2006.


Stephen Wm Smith
United States Magistrate Judge